IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1423 OF 2007

Smt. Chandrakala w/o. Sudhakar Mane ... Petitioner

Vs.

State of Maharashtra & Anr. ... Respondents

Mr. A.M. Saraogi for the petitioner.

Mr. K.R. Belosay, G.P. for the State.

Ms. P.A. Purandare for the B.M.C.

CORAM : SMT. RANJANA DESAI &
SMT. ROSHAN DALVI, JJ.

DATED : AUGUST 2, 2007.

P.C.:-

Mr. Saraogi, the learned counsel appearing for the petitioner states that the petitioner wants to file an application for regularization of the concerned structure to the Assistant Municipal Commissioner. The learned counsel for respondent 3 – B.M.C.

states that the petitioner's structure is a temporary structure and, hence, under section 55(1) of the Maharashtra Regional Town Planning Act, 1966, it cannot be regularized. The petitioner is disputing this. It is not possible for us to go into the disputed question as to whether the structure is temporary or permanent. If any application is made by the petitioner, the Corporation may consider it in accordance with law. We, however, make it clear that we have not considered the merits of the case.

The petition is disposed of.

[SMT. RANJANA DESAI, J.]

[SMT. ROSHAN DALVI, J.]